IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.678 OF 2004
IN
SUMMARY SUIT NO.1015 OF 2002

Dr.Dev Kumar Sahu .. Plaintiff.
Vs.
M/s.Mahvir Medical
Book House .. Defendants.

Mr.D.Rai i/b.M/s.Bharat Shah & Co. for the Plaintiff.

Ms.Sarika Bhagat i/b.Mr.K.M.Mehta for the Defendants.

CORAM : S.J.VAZIFDAR, J.
DATED : 26TH AUGUST, 2005.

P.C.:

The suit is filed to recover the price of goods sold and delivered by the Plaintiff to the Defendants. It is specifically averred that the goods were sold and delivered pursuant to a contract in writing as evidenced by the suit invoices.

2. The fact that the Defendants received the invoices as well as the goods is not denied. The fact that the Defendants appropriated the goods is also not denied.

3. The defence is that the Plaintiff being a Doctor could not have sold the said goods. No provision to that effect is indicated. In any event, that is a

matter for the Medical Council of India and not for this Court.

4. In the circumstances, there is no defence to the suit. The Summons for Judgment is therefore made absolute with costs and the suit is decreed as prayed.

Refund as per rules.